

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 45

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2302, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2303, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO EXEMPTIONS FROM Licensure AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2304, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE A PROVISION RELATING TO NOTICE REQUIREMENTS FOR BOARD MEETINGS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2305, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO POWERS OF THE BOARD AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-2306, IDAHO CODE, RELATING TO THE EXEMPTION OF SOCIAL PSYCHOLOGISTS; AMENDING SECTION 54-2307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO QUALIFICATIONS FOR Licensure, TO INCREASE THE APPLICATION FEE CAP AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2309, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REVOCATION, SUSPENSION, RESTRICTION AND DISCIPLINE OF A LICENSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2312, IDAHO CODE, TO REVISE CERTAIN FEES, TO REVISE PROVISIONS RELATING TO QUALIFICATIONS FOR Licensure AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2312A, IDAHO CODE, TO REVISE CERTAIN FEES AND TO REVISE PROVISIONS RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR CERTAIN PSYCHOLOGISTS SEEKING Licensure; AND AMENDING SECTION 54-2315, IDAHO CODE, TO INCREASE THE LICENSE RENEWAL FEE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2302, Idaho Code, be, and the same is hereby amended to read as follows:

54-2302. DEFINITIONS. Within the meaning of this ~~act~~ chapter the following definitions ~~obtain~~ apply:

(~~a~~1) "Department" means the department of self-governing agencies of the state of Idaho.
(~~b~~2) "Bureau chief" means the chief of the bureau of occupational licenses of the state of Idaho.

(~~c~~3) "Board" means the Idaho state board of psychologist examiners.

(~~d~~4) "Person," "he" and "his" mean either male or female persons unless a contrary intention is made manifest. None of these words shall be taken to mean other than a natural person.

(e5) "Psychological services" means any services to which the words "psychological," "psychologist" or "psychology" are applied by the person rendering or offering to render them or to the "practice of psychology" as defined in subsection 54-2302 (#6), Idaho Code of this section.

(#6) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups to eliminate symptomatic, maladaptive or undesired behavior so as to enhance interpersonal relationships in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; diagnosing and treating mental and emotional disorders or disabilities; and doing research on problems relating to human behavior.

(e7) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

(8) "Temporary permit" means a document issued by the board to a psychologist licensed in another state authorizing the individual to practice psychology in Idaho for a limited period as set forth in this chapter and rules of the board.

SECTION 2. That Section 54-2303, Idaho Code, be, and the same is hereby amended to read as follows:

54-2303. LICENSE REQUIRED – EXEMPTIONS. (1) It shall be unlawful for any person to practice or to offer to practice psychology, or to represent himself to be a psychologist, unless he shall first obtain a license pursuant to this ~~act~~ chapter, except as hereinafter provided.

(e2) Nothing in this chapter shall be construed to limit the activities, and use of an official title on the part of a person in the employ of a federal, state, county, or municipal agency, or other political subdivision, insofar ~~that~~ as such activities or services are a part of the duties in his salaried position, and insofar ~~that~~ as such activities or services are performed solely on behalf of his employer.

(b3) Nothing in this chapter shall be construed to limit the activities and services of a student, interne, or resident in psychology, pursuing a course of study approved by the board as qualifying training and experience for psychologists, provided that such activities and services constitute a part of his supervised course of study, and he is designated by such titles as "psychology interne," "psychology trainee," or other title clearly indicating such training status. Nothing in this chapter shall be construed to limit the activities of a person employed by a duly chartered educational institution solely as an administrator, teacher, or researcher or combination thereof in the discharge of those duties.

(e4) Nothing in this chapter shall be construed to prevent unlicensed persons from providing certain services under the direct supervision and control of licensed psychologists, under such rules as may be established by the board.

(e5) Nothing in this chapter shall be construed to prevent qualified members of other professions ~~such as physicians, licensed counselors, or social workers~~ licensed or registered by the state of Idaho from doing work of a psychological nature consistent with their training and consistent with the code of ethics of their respective professions.

SECTION 3. That Section 54-2304, Idaho Code, be, and the same is hereby amended to read as follows:

54-2304. ESTABLISHMENT OF BOARD OF PSYCHOLOGIST EXAMINERS. There is hereby created in the department of self-governing agencies, an Idaho state board of psychologist examiners as follows:

(~~e~~1) Said board shall consist of four (4) licensed psychologist members and one (1) public member who is not a practitioner or spouse of a practitioner in any health care field and who is not a convicted felon and who has not been an applicant for licensure as a psychologist, who are citizens of the United States, residents of the state of Idaho, and appointed by the governor for four (4) year terms. The psychologist members' terms shall be staggered such that only one (1) term expires June 30 of each year.

(~~b~~2) Each psychologist board member shall be licensed under this ~~act~~ chapter.

(~~e~~3) When the term of each psychologist member of the board ends, the governor shall appoint his successor for a term of four (4) years from a list of eligible candidates for board membership submitted to the governor by the president of the Idaho psychological association. Any vacancy occurring on the board shall be filled by the governor, from a list of all eligible candidates for board membership, by appointment for the unexpired term. The governor may give consideration to recommendations from any source in making appointments of the public member to a full or unexpired term. The governor may remove any board member for misconduct, incompetency, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon.

(~~e~~4) At all times, the board shall have at least one (1) member who is engaged primarily in rendering services in psychology and at least one (1) member who is engaged primarily in teaching, training, or research in psychology.

(~~e~~5) No board member shall serve more than two (2) consecutive terms.

(~~e~~6) Each board member shall be compensated as provided by section 59-509(n), Idaho Code.

(~~e~~7) The board shall annually in the month of July, hold a meeting, and elect a chairman and vice chairman. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Reasonable notice of all meetings shall be given ~~in the manner prescribed by the board~~ as required by law. A majority of the board shall constitute a quorum at any meeting or hearing.

SECTION 4. That Section 54-2305, Idaho Code, be, and the same is hereby amended to read as follows:

54-2305. BOARD OF PSYCHOLOGIST EXAMINERS – POWERS. The board of psychologist examiners shall have the following powers:

(~~a~~1) To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses; and, at its option to adopt and revise rules requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of licenses.

(~~b~~2) To adopt, and, from time to time, revise such rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and not inconsistent with the law as may be necessary to carry into effect the provisions of this ~~act~~ chapter. Such rules shall include, but need not be limited to, (~~1~~) a code of ethics for psychologists in the state consistent with the current, and as future amended, ethical standards for psychologists of the American psychological association;

~~(2)~~ and the educational and professional qualifications of applicants for licensing under this ~~act~~ chapter.

~~(e3)~~ To examine for, deny, approve, issue, revoke, suspend and renew the licenses of psychologists and psychologist applicants pursuant to this ~~act~~ chapter, and to conduct hearings in connection therewith.

~~(e4)~~ To conduct hearings upon complaints concerning violations of the provisions of, and the rules adopted pursuant to, this ~~act~~ chapter and cause the prosecution and enjoinder of all such violations.

~~(e5)~~ The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in district courts in criminal cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated. It shall be the duty of any district court in this state, on application by the board, to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of the subpoena issued from such court for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

~~(e6)~~ Proceedings before the board and judicial review of the action of the board shall be governed by the provisions of chapter 52, title 67, Idaho Code.

~~(e7)~~ To authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest.

~~(e8)~~ To adopt a rule requiring continuing education as a condition of continued licensure.

(9) To adopt rules allowing for a temporary permit to individuals licensed as psychologists in another state authorizing such individuals to practice psychology in Idaho for a period not to exceed thirty (30) days pursuant to such terms and requirements as set forth in the rules.

(10) To establish by rule an inactive license status.

SECTION 5. That Section 54-2306, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 54-2307, Idaho Code, be, and the same is hereby amended to read as follows:

54-2307. QUALIFICATIONS FOR LICENSE – APPLICANTS FOR WHOM AN EXAMINATION MAY BE REQUIRED. An applicant shall be qualified for a license to practice psychology provided proof satisfactory to the board has been received showing:

~~(a1)~~ Acceptable moral character; and

~~(b2)~~ Either one of the following:

~~(1a)~~ ~~Graduation from an accredited college or university with a doctoral degree of doctor of philosophy in psychology and two (2) years of postgraduate supervised experience acceptable to the board, such two (2) years not to include terms of internship,~~

one (1) year of which may include a predoctoral practicum or internship and one (1) of which must be postdoctoral; or

(2b) ~~e~~Graduation from an ~~recognized~~ accredited college or university with a doctoral degree in a field related to psychology, provided experience and training are acceptable to the board; and

(e3) Successful passage of an examination if such examination is required by the rules duly adopted by the board; and

(e4) Receipt of a completed application accompanied by an application fee as established by board rules not to exceed ~~two~~ three hundred dollars (\$~~2300~~), and when an examination is required a processing fee of twenty-five dollars (\$25.00) payable to the bureau of occupational licenses. The fee for any required examination or reexamination shall be submitted directly to the national examining entity. The application fee and the processing fee are not refundable.

SECTION 7. That Section 54-2309, Idaho Code, be, and the same is hereby amended to read as follows:

54-2309. NONISSUANCE AND REVOCATION OF LICENSE. No license may be issued, and a license previously issued may be revoked, ~~or~~ suspended, restricted or otherwise disciplined if the person applying, or the person licensed be:

(a1) Found guilty by a court of competent jurisdiction of a felony;

(b2) Found by the board to be a repeated and excessive abuser of a controlled substance;

(e3) Found by the board to be a repeated and excessive abuser of alcohol;

(e4) Found by the board to be in violation of any provision of this chapter or any of the rules adopted pursuant to this chapter; or

(e5) Found by the board to have been unethical as detailed by the current, and future amended, ethical standards of the American ~~P~~psychological ~~A~~ssociation.

SECTION 8. That Section 54-2312, Idaho Code, be, and the same is hereby amended to read as follows:

54-2312. QUALIFICATIONS FOR LICENSE – ENDORSEMENT. The board may recommend the granting of a license to any person who is licensed or certified by a regulatory board of psychologists in the United States or Canada where such certification or licensure was based on a doctoral degree and who:

(1) Submits a complete application, including the application fee and a license fee not to exceed ~~two~~ three hundred dollars (\$~~2300~~) as established by board rule;

(2) Is of good moral character;

(3) Has not had a certification or license revoked, suspended or otherwise sanctioned; and

(4) Has certified under oath that they have reviewed and will abide by the laws and rules governing the practice of psychology in Idaho and the code of ethics of the American psychological association and either:

(a) Holds a current certificate of professional qualification in psychology or holds a certificate of professional standing issued by a national credentialing entity approved by the board by rule; or

(b) Meets the requirements of section 54-2307(b2), Idaho Code, and board rules relating to endorsement and educational and credentialing requirements for licensure.

1 SECTION 9. That Section 54-2312A, Idaho Code, be, and the same is hereby amended
2 to read as follows:

3 54-2312A. SENIOR PSYCHOLOGIST. The board may grant a license to any person
4 who submits a completed application, including the application fee and a license fee not to
5 exceed ~~two~~ three hundred dollars (\$~~2~~300) as established by board rule, and who:

- 6 (1) Is of good moral character;
- 7 (2) Has maintained a valid psychology license based on a doctoral degree in the United
8 States or Canada for a period of not less than twenty (20) years;
- 9 (3) Has a documented record of psychology practice for five (5) of the last seven (7)
10 years immediately prior to the date of application;
- 11 (4) Has ~~met~~ a documented record of meeting the continuing education requirement of
12 the ~~board~~ jurisdiction where they practiced for not less than five (5) calendar years immediately
13 prior to the date of application;
- 14 (5) Has not been the subject of any disciplinary action within the last seven (7) years
15 prior to application or has never voluntarily surrendered a license to practice psychology in any
16 jurisdiction; and
- 17 (6) Has certified under oath that he has reviewed and will abide by the laws and
18 rules governing the practice of psychology in Idaho and the code of ethics of the American
19 psychological association.

20 SECTION 10. That Section 54-2315, Idaho Code, be, and the same is hereby amended to
21 read as follows:

22 54-2315. ADMINISTRATION BY BUREAU OF OCCUPATIONAL LICENSES – FEE
23 FOR RENEWAL OF LICENSE – RENEWAL AND REINSTATEMENT. This chapter shall be
24 administered by the bureau of occupational licenses. The fee for renewal of license shall be a
25 fee as established by board rule not to exceed ~~three~~ four hundred dollars (\$~~3~~400) per annum.
26 All licenses issued under the provisions of this chapter shall be subject to annual renewal
27 and shall expire unless renewed in the manner prescribed by the board regarding applications
28 for renewal, continuing education, and fees. License renewal and reinstatement shall be in
29 accordance with section 67-2614, Idaho Code.